



A petition to accept and treat an improper application filed under 37 C.F.R. §1.53(d) as a proper application under 37 C.F.R. §1.53(b) must include: (1) the \$130.00 petition fee, and (2) a copy of the complete nonprovisional application, as filed, designated as the prior nonprovisional application in the application papers filed under 37 C.F.R. §1.53(d).

The petition is accompanied by a specification, drawings, and a copy of a signed declaration. The submission of these application papers with the petition is understood as a representation by counsel that the specification and drawings do not contain any subject matter that would have been new matter in the prior application.

The petition under 37 C.F.R. §1.53(e) for a filing date under 37 C.F.R. §1.53(b) is **granted**.

Counsel's check in payment of \$130.00 as the petition fee upon filing of the inappropriate petition under 37 C.F.R. §1.182 will be used instead to satisfy the fee for the petition appropriately filed under 37 C.F.R. §1.53(e), and the authorization to charge Deposit Account 06-1050 (0200-007002) will be used to pay the filing fee (\$380.00) uncharged at the time of the 14 March 2000, filing.

Application No. 10/042,686 is being forwarded to the Office of Initial Patent Examination for further processing as an application filed under 37 C.F.R. §1.53(b), not under 37 C.F.R. 1.53(d), with a filing date of 14 March, 2000, using the application papers supplied on 25 February, 2002.

Telephone inquiries concerning this matter may be directed to John J. Gillon, Jr., Senior Attorney, Office of Petitions, at (703)305-9199.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Docket No. 1090-006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of )  
Luneau, David J. )  
Serial No. 08/660,814 )  
Filed: June 10, 1996 )  
For: CALLING PARTY ANNOUNCEMENT )  
APPARATUS )

**FAX RECEIVED****FEB 25 2002****PETITIONS OFFICE**

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

**EXPRESS MAIL CERTIFICATE**

Express Mail Label Number: EL384499714US

Date of Deposit 3-14-00

I hereby certify that the following attached paper and fee:

Continued Prosecution Application Request Transmittal

as being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
William B. Ritchie, Esq.

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FEB 25 2002

PATENTIONS OFFICE

Attorney Docket No. 1070-006Date of Deposit 031400Client Lincoln

The Patent & Trademark Office acknowledges and has stamped hereon  
the date of receipt of the items listed below concerning the following:

☒ Patent Application Serial No. 081600, 814 Filed: 12-10-96

☐ Patent No. \_\_\_\_\_ Issued: \_\_\_\_\_

☒ Express Mail Certificate, Label No. E1384449714

☐ Transmittal Letter ☐ Small Entity Form ☐ Declaration/Power of Attorney

☐ Specification, \_\_\_\_\_ number of pages ☐ Notice to File Missing Parts

☐ Claims, \_\_\_\_\_ Independent - \_\_\_\_\_ Multiple Dependent

☐ Abstract ☐ \_\_\_\_\_ Sheets of Drawings ☐ Petition to Make Special

☐ Recordation Form Cover Sheet ☐ Transmittal of New Drawings

☐ Assignment ☐ Petition for Extension of Time ☐ Fee Addressee

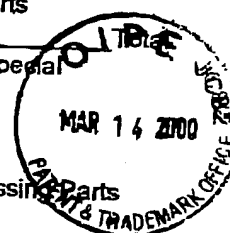
☐ Amendment ☐ Appeal Brief ☐ Status Inquiry ☐ Notice of Appeal

☐ Certificate of Mailing ☐ Issue Fee Transmittal ☐ Application w/ Missing Parts

☐ Check in the Amount of \$ \_\_\_\_\_

☐ Deduct Fee of \$ \_\_\_\_\_ from Deposit Account #500229

Other CPA



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FEB 25 2002

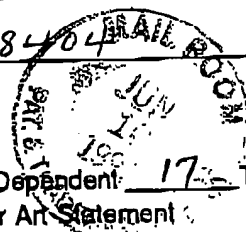
PATENT OFFICE

Attorney Docket No. 1090-006 Client LUNEAU ✓  
Date of Deposit 6-10-96

The Patent & Trademark Office acknowledges, and has stamped hereon,  
the date of receipt of the items listed below concerning the following:

☒ Patent Application Serial No. TO BE ASSIGNED Filed: CONCURRENT  
☐ Patent No. \_\_\_\_\_ Issued: \_\_\_\_\_

☒ Express Mail Certificate, Label No. EM121568404  
☒ Transmittal Letter ☒ Small Entity Form  
☒ Declaration/Power of Attorney  
☒ Specification, 21 number of pages  
☒ Claims, 2 Independent \_\_\_\_\_ Multiple Dependent: 17 Total  
☒ Abstract ☒ 6 Sheets of Drawings ☐ Prior Art Statement  
☐ PTO form 1449 ☐ Copies of Prior Art Patents  
☐ Assignment ☐ Petition for Extension of Time  
☒ Check in the Amount of \$ 375 ☐ Notice of Appeal  
☐ Amendment ☐ Appeal Brief  
☒ Certificate of Mailing ☐ Issue Fee Transmittal  
Other \_\_\_\_\_



08/660814

# FISH & RICHARDSON P.C.

225 Franklin Street  
Boston, Massachusetts  
02110-2804

Telephone  
617 542-5070

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617 542-8906

Web Site  
www.fr.com

Date February 25, 2002

To John R. Gillon, Jr., Esq.  
Senior Attorney, Petitions Branch  
United States Patent and Trademark Office  
Washington, DC 20231

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PETITIONS OFFICE

Facsimile number 10200-00700002 / (703) 308-6916

From Kurt L. Glitzenstein

Re Applicant: David J. Luneau  
Issue Date : March 14, 2000  
Serial No.: Continuation of 08/660,814 now U.S. Patent No. 6,038,443, Issued march  
14, 2000  
Filed: June 10, 1996  
Title: CALLING PARTY ANNOUNCEMENT APPARATUS

Number of pages  
including this page 41

Message

10200-007002

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at 617 542-5070 to arrange for its return. Thank you.

## FISH &amp; RICHARDSON P.C.

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Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

February 25, 2002

John R. Gillon, Jr., Esq.  
Senior Attorney, Petitions Branch  
United States Patent and Trademark Office  
Washington, DC 20231

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FEB 25 2002

PETITIONS OFFICE

Applicant : David J. Luneau  
Issue Date : March 14, 2000  
Serial No. : Continuation of 08/660,814, now  
U.S. Patent No. 6,038,443, Issued  
March 14, 2000

Filed : June 10, 1996  
Title : CALLING PARTY ANNOUNCEMENT APPARATUS

Dear Mr. Gillon:

Pursuant to our telephone conversations earlier today, I am enclosing the following for your consideration:

1. Petition Under 37 C.F.R. § 1.53(e)
2. A copy of the Express Mail receipt for the March 14, 2000 patent application
3. A copy of United States Patent Application Serial No. 08/660,814, as originally filed on June 10, 1996

If you have any questions, or need additional information, do not hesitate to contact me, at (617) 521-7042. Thank you for your assistance with this matter.

Very truly yours,



Kurt L. Glitzenstein

Enclosures

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FR

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Attorney's Docket No.: 10200-007002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Luneau                      Art Unit : 2746  
 Issue Date : March 14, 2000                      Examiner : L. Nguyen  
 Serial No. : Continuation of 08/660,814,<sup>1</sup> now  
                     U.S. Patent No. 6,038,443, Issued  
                     March 14, 2000  
 Filed : June 10, 1996  
 Title : CALLING PARTY ANNOUNCEMENT APPARATUS

Commissioner for Patents  
 Washington, D.C. 20231

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PETITIONS OFFICE

Petition Under 37 C.F.R. § 1.53(e)

Applicant hereby petitions pursuant to 37 CFR § 1.53(e) to treat the March 14, 2000, request for a Continued Prosecution Application as the filing of a continuation application on that date under 37 CFR § 1.53(b).

As grounds for this petition, Applicant refers to and incorporates as set forth herein (1) the Petition Under § 1.181 filed June 2, 2000, and (2) the Status Inquiry and Petition Pursuant To 37 C.F.R. § 1.182 To Disregard Previously Filed Request For CPA filed August 24, 2001.

Summarizing briefly, the present petition concerns a patent application filed on March 14, 2000 ("the March 14, 2000 Application") that claims priority under 35 U.S.C. § 120 from

<sup>1</sup> This application was erroneously designated a "continuing patent application" in the filing papers, and the purpose of the present petition is to change the designation to a continuation application under Rule 53(b).

Adjustment date: 03/13/2002 AKELLEY  
 08/28/2001 SLUANG1-00000105-08660814  
 01 FC:122 -130.00 OP  
 03/13/2002 AKELLEY 00000001 061050 10042686  
 01 FC:122 130.00 OP

## CERTIFICATE OF MAILING

I hereby certify under 37 CFR §1.8(a) that this correspondence is being sent by facsimile to fax number (703) 308-6916 on the date indicated below and is addressed to the John R. Gillon, Jr., Esq., Senior Attorney, Petitions Branch, United States Patent and Trademark Office, Washington, D.C. 20231.

February 25, 2002  
 Date of Deposit

Deborah L. Hamilton  
 Signature

Deborah L. Hamilton  
 Typed or Printed Name of Person Signing Certificate



Applicant : David J. Luneau  
Issued : March 14, 2000  
Serial No. : Continuation of 08/660,814,<sup>1</sup> now U.S.  
Patent No. 6,038,443, Issued March 14,  
2000  
Filed : June 10, 1996  
Page : 2

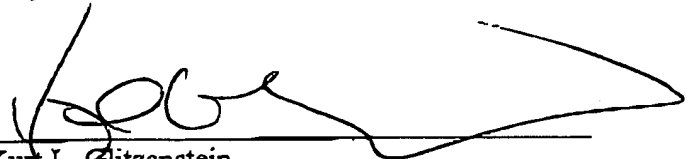
Attorney's Docket No.: 10200-007002

United States Patent Application Serial No. 08/660,814 ("the '814 application").<sup>2</sup> The March 14, 2000 Application was filed after the issue fee had been paid (on December 13, 1999) on the '814 application, and was inadvertently and mistakenly filed as a Continued Prosecution Application (CPA) under 37 CFR § 53(d). The March 14, 2000 Application should instead have been filed as a continuation application under 37 CFR § 53(b).

For the foregoing reasons, Applicant requests the PTO to disregard the previous request for a CPA, and to treat the March 14, 2000 Application as having been filed on March 14, 2000 under 37 CFR § 53(b).

Please charge any fees, or make any credits, due in connection with this petition to Deposit Account No. 06-1050, reference 10200-007002.

Respectfully submitted,

Date: February 25, 2002  
Kurt L. Glitzenstein  
Reg. No. 39,686

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20306663.doc

<sup>2</sup> The '814 application issued as U.S. Patent No. 6,038,443, also on March 14, 2000.

Docket No. 1090-006  
Express Mail No. EL384499714US

Assistant Commissioner for patents  
Box CPA  
Washington, D.C. 20231

**CONTINUED PROSECUTION APPLICATION  
REQUEST TRANSMITTAL**

Transmitted herewith for filing is the patent application of David J. Luneau for:  
CALLING PARTY ANNOUNCEMENT APPARATUS. This application is a continued  
prosecution application of U.S. Patent Application Serial No. 08/660,814, filed June 10,  
1996.

Papers enclosed are:  
Post Card  
Express Mail Certificate

FAX RECEIVED

FEB 25 2002

Fee Calculations:  
Regular application – small entity  
Total Claims – 0 Extra  
Independent Claims – 0 Extra  
Multiple Dependant Claims – None

EXAMINATIONS OFFICE

The application is being filed without the filing fee. In that the specification, claims and  
name of the actual inventors has been provided, pursuant to 37 C.F.R. §1.53 (b), the  
enclosed application should be accorded to the Express Mail Certificate date under 37  
C.F.R. §1.10(c).

Respectfully submitted,



William B. Ritchie  
Attorney for Applicant  
Reg. No. 33,118  
43 Jackson Street  
Concord, NH 03301  
603-225-5212

1/13/2002 AKELLEY 00000001 061050 10042686  
FC:201 370.00 CH